

17TH JUDICIAL CIRCUIT COURT
HALL OF JUSTICE ROOM 301
333 MONROE AVENUE NW
GRAND RAPIDS MI 49503

ADMINISTRATIVE ORDER 1997-2

MEDIATION PLAN AND
SELECTION OF MEDIATORS IN KENT COUNTY

EFFECTIVE OCTOBER 1, 1997

This Administrative Order governs the procedure for mediation in the 17th Judicial Circuit Court and is supplemental to MCR 2.403 and MCR 2.404. If there is a conflict, MCR 2.403 and MCR 2.404 controls. This Administrative Order supersedes any previously entered Administration Order regarding Selecting Mediators and Mediation Panels.

This Administrative Order rescinds and replaces Administrative Order 1993-1.

A copy of this Administrative Order shall be made available to the public in the Mediation Clerk's office.

MEDIATION CLERK DESIGNATION:

The Courts designate the Deputy Court Clerk of the Circuit Court to serve as the Mediation Clerk.

MEDIATOR SELECTION PROCESS:

The Courts adopt the following procedure for establishing mediator pools:

Those individuals who are interested in being mediators shall submit applications, provided by the Courts, from which the Mediation Clerk shall establish the mediator pool. Applications shall be available at the Mediation Clerk's office. The application form shall include an optional section identifying the applicant's gender and racial/ethnic background and shall include a certification that:

- (1) the applicant meets the requirements for service under this plan, and
- (2) the applicant will not discriminate against parties, attorneys, or other Mediators on the basis of race, ethnic origin, gender, or other protected personal characteristics.

The Mediation Clerk shall review applications annually and compile one or more lists of approved mediators.

The list of mediators must be available to the public in the Mediation Clerk's office.

The Mediation Clerk shall notify all applicants who are placed on the mediator list or lists and all applicants who are denied placement on the mediator list or lists, and said notification shall be in writing.

The Mediation Clerk shall take all steps necessary to assure that as far as reasonably possible the list of mediators shall fairly reflect the racial, ethnic, and gender diversity of the members of the state bar in the jurisdiction for which the list is compiled who are eligible to serve as mediators. Selection of mediators shall be made without regard to the race, ethnic origin, or gender.

QUALIFICATIONS OF MEDIATORS:

To serve as a mediator, the candidate must meet the following qualifications:

- ◆ Be a member in good standing of the State Bar of Michigan.
- ◆ Have been licensed to practice law for at least five (5) years.
- ◆ Must demonstrate that a substantial portion of their practice of the last five (5) years has been devoted to civil litigation matters.
- ◆ Must reside, maintain an office, or have an active practice in the County of Kent.

ALTERNATIVE QUALIFICATIONS OF MEDIATORS:

Should there be an insufficient number of applicants for potential mediators within the County of Kent, to serve as a mediator, the candidate must meet the following minimum qualifications:

- ◆ Be a member in good standing of the State Bar of Michigan
- ◆ Have been licensed to practice law for at least five (5) years.
- ◆ Must demonstrate that a substantial portion of their practice for the last five (5) years has been devoted to civil litigation matters, or has served as a Judge and is now retired.
- ◆ Must have an office situated within State of Michigan.

TERM OF MEDIATORS:

- ◆ Persons shall be placed on the list of mediators for a period of five (5) years).
- ◆ Applicants must reapply at the end of the five (5) year period by completing a new application and submitting the same to the Mediation Clerk prior to the expiration of their original term.
- ◆ Applications will be available at the office of the Mediation Clerk.

DENIAL OF APPLICATION TO SERVE AS MEDIATOR:

Applicants who are denied being placed on the mediator list shall be notified in writing by the Mediation Clerk of that decision.

PROCEDURE FOR RECONSIDERATION OF DENIAL:

Applicants who are denied may seek reconsideration of the decision by requesting the same in writing and forwarding the written request to the Chief Circuit Judge within ten (10) days from the date of the denial. The request shall be reviewed by a committee consisting of the Chief Circuit Judge, Court Administrator, and Mediation Clerk. Applicants will be notified in writing of the decision of the committee regarding the reconsideration.

REMOVAL OF MEDIATOR FROM LIST OF MEDIATORS:

Should any person demonstrate incompetency, bias, make themselves consistently unavailable to serve as a mediator, or for any other just cause, the Mediation Clerk shall notify said person in writing that their name is being removed from the list of mediators and the reason for said removal.

PROCEDURE FOR RECONSIDERATION OF REMOVAL:

Persons who are removed from the list of mediators may seek reconsideration of the decision by requesting the same in writing and forwarding the written request to the Chief Circuit Judge within ten (10) days from the date of removal. The request shall be reviewed by a committee consisting of the Chief Circuit Judge, Court Administrator, and Mediation Clerk, and written notification of the decision of the committee regarding the reconsideration will be forwarded to the petitioner.

COMPOSITION OF MEDIATOR POOL:

The mediator pool shall be divided into three (3) categories:

- ◆ One comprised of attorneys who primarily represent civil plaintiffs.
- ◆ One comprised of attorneys who primarily represent civil defendants.
- ◆ One comprised of attorneys engaged in civil litigation who do not perform a majority of their work for either plaintiffs or defendants.

SELECTION OF MEDIATOR PANELS:

The Courts adopt the following procedure for selecting mediation panels:

Mediator panels shall be selected from the mediator pool in a random or rotating manner by the Mediation Clerk to effectuate the efficient operation of the mediation process. If a substitute mediator must be assigned, the same or similar assignment procedure shall be used by the Mediation Clerk to select the substitute.

The Mediator Clerk shall maintain records of service of mediators on panels and shall make those records available to the public upon request.

The mediator pool shall be subject to final approval by the Chief Circuit Judge.

SPECIAL MEDIATOR PANELS:

Upon stipulation of the parties, the Court may appoint a panel of mediators selected by the parties and/or allow any modifications to the procedures for conducting mediation that may aid in resolution of the case.

SUPERVISION OF SELECTION PROCESS:

The Chief Judge of the Circuit Court shall exercise general supervision over the implementation of this plan and shall review the operation of the Courts' Mediation Plan annually to assure compliance with this Order. In the event of non-compliance, the Courts will take such action as is needed which may include recruiting persons to serve as mediators or changing the Court's mediation plan.

The Chief Judge of the Circuit court shall submit an annual report to the State Court Administrative Office on the operation of the Courts' mediation program on the form to be provided by the State Court Administrator.

EFFECTIVE DATE: October 1, 1997

Dated: September 16, 1997


Dennis C. Kolenda
Chief Circuit Judge